

## PERFORMANCE SCRUTINY COMMITTEE

**MINUTES** of the meeting held on Thursday, 5 June 2014 commencing at 11.00 am and finishing at 12.40 pm

**Present:**

**Voting Members:** Councillor Liz Brighthouse OBE – in the Chair  
Councillor Neil Fawcett (Deputy Chairman)  
Councillor Lynda Atkins  
Councillor John Christie  
Councillor Yvonne Constance  
Councillor Mark Gray  
Councillor Steve Harrod (in place of Councillor Simon Hoare)  
Councillor Bob Johnston (in place of Councillor Janet Godden)  
Councillor Charles Mathew  
Councillor David Wilmshurst (in place of Councillor Lawrie Stratford)

**Other Members in Attendance:** Councillor Mrs Catherine Fulljames, (for Agenda Item 4)  
Councillor Sibley, (for Agenda Item 4)  
Councillor Stratford (for Agenda Item 4)

**Officers:** David Tole, Principal Engineer-Traffic & Safety Improvements; Anthony Kirkwood (Design and Safety Improvements – TRO Team), Eira Hale, Sue Whitehead (Chief Executive's Office)

*The Scrutiny Committee considered the matters, reports and recommendations contained or referred to in the agenda for the meeting and agreed as set out below. Copies of the agenda and reports are attached to the signed Minutes.*

### **14/14 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS** (Agenda No. 1)

Apologies were received from Councillor Godden (Councillor Johnston substituting), Councillors Hoare (Councillor Harrod substituting) and Councillor Stratford (Councillor Wilmshurst substituting).

### **15/14 PETITIONS AND PUBLIC ADDRESS** (Agenda No. 3)

Councillor Brighthouse referred to written representations which the Committee had received from Councillor Waine and members of the public.

The following requests to speak had been agreed:

Councillor Sibley,  
Councillor Mrs Catherine Fulljames,  
Councillor Stratford.

**16/14 CALL IN OF A DECISION BY THE CABINET MEMBER FOR ENVIRONMENT - MIDDLETON STONEY ROAD, BICESTER: PROPOSED ROAD HUMPS AND PUFFIN CROSSING**

(Agenda No. 4)

Written notice had been given in accordance with the Council's Scrutiny Procedure Rules requiring the decision of the Cabinet Member for Environment on 15 May 2014 to be called in for review by this Committee.

The Performance Scrutiny Committee had before them:

- (1) A report setting out the names of the Councillors who have required the call in and the reasons given for the Call in.
- (2) The report considered by the Cabinet Member for Environment together with an extract of the minutes of the delegated decision session.
- (3) Additional information provided in response to the call in :
  - (i) a copy of the SW Bicester Planning Statement
  - (ii) a summary of the consultation requirements for highways works

Councillor Sibley, speaking as the originator of the call in and as a local councillor spoke in support of the concerns set out in the call in request.

With regard to reason 1 Councillor Sibley highlighted the lack of a properly constructed footpath and cycle ways and referred to the planning statement for South West Bicester which supported such provision. In particular he was concerned at the lack of a footpath on the South side of Middleton Stoney Road and the position of the bus stop which put pedestrians at risk.

With regard to reason 2 on the lack of proper consultation with local Bicester County Councillors he stressed that these proposals resulted in a major impact from an agreed development and consultation with local councillors was vital.

With regard to reason 3 Councillor Sibley detailed his concerns over the use of road humps including increased traffic noise, vehicle damage, increased vehicle emissions and emergency vehicles being impeded.

With regard to reason 4 he noted that the use of build outs with priority traffic signs to control the speed of traffic was the preferred traffic calming measure.

Councillor Sibley referred to reason 5 noting that the characteristics of Middleton Stoney Road with no houses fronting on either side of the road lent itself to a speed

limit of 40mph. He suggested that the new 30mph speed limit was to accommodate the speed humps. He considered that had consultation been sufficient the Cabinet member would have had information on this from the Town Council and the local Traffic Advisory Committee.

Councillor Mrs Catherine Fulljames, speaking as a signatory to the call in and as a local councillor indicated that she was not a Bicester councillor but that she represented part of this area and that a number of villages in her Division would use this road to get to Bicester. She commented that the current proposals for 16 road cushions was madness and noted that in her area cushions had been put in and then removed because of noise. The cushions would have a detrimental impact on the ambulances using that road to access the hospital. She considered that the cushions would result in rat running in the surrounding roads. She referred to the lack of consultation although noting that she was aware that it was going to the Cabinet member's decision making meeting.

Councillor Stratford, speaking as a signatory to the call in and as a local councillor, highlighted his concern over the lack of consultation. He accepted that the statutory requirements had been met but commented on the low readership numbers of the local newspaper. He would have expected consultation to have included all local councillors, the Town Council and the Traffic Advisory Committee. Their views should have been taken into account. There was no indication in the report that they were. Had there been consultation he would have expected paragraph 12 of the report to refer to those instances known to local councillors where speed humps had been removed. The views on chicanes would also have been amended if local councillor views had been considered.

Responding to questions from the Committee the three Councillors made the following points:

- (1) Local councillors had received no explanation of why the consultation seemed less than they would expect.
- (2) Councillor Sibley confirmed that he had attended the Cabinet Member decision making meeting and had been able to make his points known.
- (3) The first mention of traffic calming proposals had been back in 2006 but there had been no details.
- (4) Councillor Stratford confirmed that the Town Council had not been consulted and Councillor Mrs Catherine Fulljames added that her Parish Council had also not been consulted.

Councillor Nimmo Smith, together with David Tole, Principal Engineer-Traffic & Safety Improvements, responded to the concerns raised. David Tole referred to the context of the solution proposed and noted the successful use elsewhere. Councillor Nimmo Smith commented that Councillor Sibley had attended the decision taking meeting and had raised the points at that time. He had had more than an opportunity to address the decision making meeting as he had maintained a dialogue with Councillor Sibley throughout consideration of the item. David Tole added that a number of points raised prior to the decision making meeting had been addressed in the report. They confirmed that the usual process of consultation had taken place.

Responding to questions from the Committee the following points were made by Councillor Nimmo Smith, David Tole and Anthony Kirkwood, Design and Safety Improvements – TRO Team:

- (1) Asked whether there was a copy of the consultation email it was noted that the email was sent as a blind copy as was usual. The responses received had been included in the report to the Cabinet Member.
- (2) In noting that the consultation date in the report was incorrect Councillor Nimmo Smith assured the Committee that he had been clear from the discussion at the meeting that it had been done.
- (3) Anthony Kirkwood clarified the information on accidents and build outs commenting that the report reflected the Teams general experience.

~~Following lengthy discussion the Committee~~ **Following lengthy discussion and with Councillor Christie expressing the minority view that there had been adequate consultation and all points raised during consideration of the decision it was \* AGREED (by 9 votes to 2)** to refer the decision back to Cabinet on the grounds of material concerns about the lack of proper consultation with local Bicester County Councillors.

### **Summary of the Material Concerns**

During discussion Members acknowledged that some local members had been consulted and their responses included in the report considered by the Cabinet Member when making his decision. However, Members of the committee felt that there was sufficient doubt about the process and nature of the consultation to mean that it was not 'proper' consultation.

In particular a Member highlighted differences in the consultation dates in the original report compared to those referred to by officers during the meeting. In addition it was noted that there was no reference in the report to consultation with Bicester County Councillors, nor others such as the District, Town and Parish Councils, so that it seemed no information on this was presented to the Cabinet Member at the time of his decision. The Committee was advised by Councillor Nimmo Smith that he was clear from discussion at the decision meeting that this consultation had been carried out.

The Committee considered the question of consultation with the Town Council but noted that this was outside the reasons put forward in the call in.

Having no evidence as to what was included in the consultation email there was concern that it may not have provided sufficient context about the links and timing to the new development to ensure effective consultation occurred.

Members questioned whether emails were an appropriate method for such consultation particularly given the large numbers of emails that councillors received. It was suggested that greater efforts be made to ensure that such emails had been received. It was noted that where an email bounced back these were always followed up and that in this case there had been responses received.

\* Amendment as set out in strikethrough and bold agreed at the meeting on 9 July 2014.

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..... in the Chair

Date of signing

2014